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**REMARKS:**

**Status of the Claims:**

Claims 1-34 are pending herein.

Claims 12, 20 and 31 have been amended to incorporate the limitations of the base and any intervening claims.

Support for new claims 33 and 34 may be found, for example, in paragraph [0052] of the present specification, which is reproduced below for the Examiner's convenience:

[0052] Polyelectrolyte multilayer coating regions can be assembled using various known layer-by-layer techniques. Layer-by-layer techniques involve coating various substrates using charged polymeric (polyelectrolyte) materials via electrostatic, self-assembly. In the layer-by-layer technique, a first polyelectrolyte layer having a first net charge is typically deposited on an underlying substrate, followed by a second polyelectrolyte layer having a second net charge that is opposite in sign to the net charge of the first polyelectrolyte layer, and so forth. The charge on the outer layer is reversed upon deposition of each sequential polyelectrolyte layer.

Hence, no new matter is added.

**Rejection under 35 U.S.C. § 102(b)**

Claims 1-11, 17-19, 21-30 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Bates et al., U.S. Patent No. 6,530,951. This rejection and its supporting remarks are respectfully traversed.

For example, independent claim 1, is directed to a medical article comprising: (a) a ceramic or metallic region whose surface comprises a plurality of depressions; (b) a multilayer coating region comprising multiple polyelectrolyte layers deposited over said surface; and (c) a therapeutic agent disposed beneath or within said multilayer coating region.

Independent claim 32 is directed to a medical article comprising: (a) a ceramic or metallic region, (b) a multilayer coating region comprising multiple polyelectrolyte layers deposited over a surface of said ceramic or metallic region, said multilayer coating region

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comprising a plurality of protuberances; and (c) a therapeutic agent disposed beneath said protuberances.

According to the Office Action, Bates et al. discloses a medical article having a metallic region (14), and a multilayer coating region (16, 18, 20) having therapeutic agent disposed beneath or within the region. Figs. 1-5, and 10A to 10D and the text at col. 8, lines 40-67 and cols. 9-15 are also cited. Applicant respectfully disagrees.

In this regard, numeral 14 designates the base material of Bates et al.

Numeral 18 designates at least one layer of bioactive material, many of which are described. See discussion at cols. 10 to 12, including the numerous preferred bioactive materials at col. 11, line 29 to col. 12 line 20.

Numeral 20 designates a porous layer composed of a polymer posited over the layer of bioactive material 18, preferably by vapor deposition or plasma deposition. See, e.g., col. 12, lines 40-52. The layer is preferably polymerized from a vapor, and the polymer in the porous layer 20 is preferably one automatically polymerizes upon condensation from the vapor phase. See, e.g., col. 12, lines 52-59. Most preferably, the polymer in the porous layer 20 is polyimide, parylene or a parylene derivative. See col. 12, lines 59-61.

Numeral 16 designates an additional coating layer 16, which is posited between the structure 12 and the at least one layer 18 of bioactive material. See col. 13, lines 11-14. The additional coating layer 16 may be a medical grade primer, but is preferably composed of the same polymer as the at least one porous layer 20. See col. 13, lines 14-17.

There is no teaching or suggestion in Bates et al., however, to provide multiple deposited polyelectrolyte layers as claimed in claims 1 and 32.

The requirements for anticipation are set forth in MPEP 2131 and the cases cited therein. Stated briefly, each and every element of the claim must be taught in a single reference.

Additionally, Bates et al. does not disclose the concept embodied in the present claims. See, e.g., *Ex parte Rubin*, 5 USPQ2d 1461 (B.P.A.I. 1987).

For at least the above reasons, it is respectfully submitted that claims 1 and 32 are neither anticipated by nor obvious in view of Bates et al. Rejected claims 2-11, 18-19,

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21-30 and 33-34, each of which depends directly or indirectly from claim 1, are patentable over Bates et al. for at least the same reasons as is claim 1.

Claim 17 depends from allowable claim 12 (see below).

Accordingly, reconsideration and withdrawal of the rejection of claims 1-11, 17-19, 21-30 and 32, under 35 U.S.C. 102(b) as being anticipated by Bates et al. are respectfully requested.

#### **Allowable Subject Matter**

The Examiner's indication of allowable subject matter is noted with appreciation. Claims 12, 20 and 31 have been rewritten in independent form to incorporate the limitations of the base claim and any intervening claims. Claims 13-17 depend from claim 12.

Hence claims 12-17, 20 and 31 are believed to be allowable.

#### **CONCLUSION**

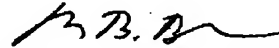
It is submitted that all pending claims are in condition for allowance. Should the Examiner be of the view that an interview would expedite the application at large, request is made that the Examiner telephone the Applicant's attorney at (703) 433-0510 in order to resolve any outstanding issues.

#### **FEES**

The Office is authorized to charge any fees required to deposit account number 50-1047.

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Respectfully submitted,



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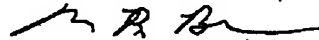
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